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OFFICE OF PETITIONS

In re Application of :
Hirt et al. :
Application Number: 09/525158 :
Filing Date: 03/14/2000 : ON PETITION
Attorney Docket Number: CL/V- :
30880/A/CGV2112 :

This is a decision on the "RENEWED PETITION UNDER 37 C.F.R. §1.137(b)¹ AND/OPR RENEWED PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT," filed on June 25, 2008.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The petition to withdraw the holding of abandonment is **DIMSISSSED AS MOOT**.

The above-identified application became abandoned on November 29, 2001, for failure to timely submit the issue fee in response to

¹ Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

the Notice of Allowance and Issue Fee Due mailed on August 28, 2001, which set a three (3)-month shortened statutory period for reply. Notice of Abandonment was mailed on April 5, 2002.

The petition under 37 CFR 1.137(b) and 1.181 filed on September 14, 2007, was dismissed on February 20, 2008. On June 25, 2008 (certificate of mailing date June 19, 2008), the present renewed petition was filed, accompanied by a two (2) month extension of time.

The petition under 37 CFR 1.137(b) is granted, and the application is restored to pending status.

In view of the granting of the petition under 37 CFR 1.137(b), the petition to withdraw the holding of abandonment is dismissed as moot.

The petition fee required under 37 CFR 1.137(b)(2) was paid with the original petition filed on September 14, 2007. Accordingly, the duplicate petition fee charged with the subject renewed petition is unnecessary and will be credited to counsel's deposit account.

The issue fee has been charged to counsel's deposit account, as authorized in the original petition filed on September 14, 2007.

The application is being forwarded to the Office of Data Management for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.



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